



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd Floor  
New York, New York 10007*

October 25, 2013

**By ECF**

The Honorable Paul A. Crotty  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Residents for Sane Trash Solutions, Inc., et al. v.  
United States Army Corps of Engineers, et al.,*  
12 Civ. 8456 (PAC)

*Kellner, et al. v. United States Army Corps of  
Engineers, et al., 12 Civ. 8458 (PAC)*

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Dear Judge Crotty:

This Office represents defendants the United States Army Corps of Engineers and Colonel Paul E. Owen (collectively, "USACE") in the above-referenced, related matters. I write with the consent of all parties to respond to the Court's request for a statement regarding the effect of the recent lapse in Department of Justice ("DOJ") funding and the tolling order entered by Chief Judge Preska on deadlines in this case.

Prior to the lapse in DOJ funding, pursuant to two requests for extensions that were granted by the Court, *see Sane Trash Solutions* Dkt. ## 40, 42; *Kellner* Dkt. ## 45, 47, the briefing schedule was as follows: opening briefs were due on October 11, 2013; opposition briefs were due on November 15, 2013; and reply briefs were due on December 20, 2013.

The parties have conferred concerning the effect of Chief Judge Preska's order on the briefing schedule in these cases and agree that the order modifies the schedule as follows: opening briefs are due on October 28, 2013; opposition briefs are due on December 2, 2013; and reply briefs are due on January 6, 2014.

We thank the Court for its consideration of this letter.

Respectfully submitted,

PREET BHARARA  
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